

## Remarks

### *A. Status of Application*

Claims 1-28 were pending. Claims 25, 27 and 28 have been canceled. Therefore, claims 1-24 and 26 will be pending upon entry of this paper.

Claims 25, 27 and 28 were rejected under 35 U.S.C. § 101. Claim 28 was rejected under 35 U.S.C. §112, second paragraph. Claim 25 was rejected under 35 U.S.C. §102(b) as being anticipated by Ferrante (WO 01/46617).

### *B. Allowable Subject Matter*

Claims 1-24 and 26 have been indicated as containing allowable subject matter. Applicant thanks Examiner for this indication.

### *C. Claim Rejections 35 U.S.C. §112*

Claim 28 was rejected under 35 U.S.C. §112 second paragraph, as being indefinite. Applicant has chosen to cancel the rejected claim in order to speed this case to allowance. Therefore the rejection is moot, and Applicant respectfully requests that the rejection be withdrawn.

### *D. Claim Rejections 35 U.S.C. §101*

Claims 25, 27 and 28 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant has chosen to cancel the rejected claims in order to speed this case to allowance. Therefore the rejection is moot, and Applicant respectfully requests that the rejection be withdrawn.

### *E. Claim Rejections 35 U.S.C. §102*

Claim 25 was rejected under 35 U.S.C. § 102(b) as anticipated by Ferrante (WO 01/46617). Applicant has chosen to cancel the rejected claim in order to speed this case to

allowance. Therefore the rejection is moot, and Applicant respectfully requests that the rejection be withdrawn.

### **CONCLUSION**

Although Applicant in no way acquiesces in any regard to any of the rejections in the Action, Applicant has chosen to cancel the rejected claims so that the remaining claims may proceed to allowance. Applicant reserves the right to file and prosecute claims of the same or differing scope as the rejected claims in a continuing application.

In light of the presented remarks and cancellation of rejected claims 25, 27 and 28, Applicant asserts that claims 1-24 and 26 are in condition for prompt allowance. Should additional information be required, the Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone interview, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

/S. Scott Gordon/

S. Scott Gordon  
Reg. No. 57,294  
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
Telephone: (512)536-3018  
Facsimile: (512) 536-4598

Date: November 26, 2008